

**Government of Jammu and Kashmir
Industries & Commerce Department
Civil Secretariat, J&K**

Subject: Clarification regarding Registration of Industrial Units under J&K Industrial Policy 2021-30.

Reference: Director I&C Kashmir No. DI&C / DEV / 2021 / 433 / 1772 dated 25.08.2021.

**CLARIFICATION
Srinagar, the 29th of September, 2021.**

Director Industries and Commerce Kashmir, vide above quoted reference has sought clarification under Clause 12 of the Procedural Guidelines to the J&K Industrial Policy 2021-30, regarding powers of registration of industrial units having quantum of investment above Rs. 5 Cr on the context that Procedural Guidelines to the J&K Industrial Policy 2021-30 are silent on the issue.

Clause 10 of Procedural Guidelines provides the powers of Provisional Registration/ Permanent Registration to General Manager DIC concerned in case of units having investment upto Rs. 5 Cr. Clause 10 is reproduced below:

Clause 10: Miscellaneous Functions and Powers

10.1 *In respect of units having investment in plant and machinery/ building and all other durable physical assets up to Rs 5 Crore. The GMs shall exercise the following powers:*

- i. Issuance of Provisional registration.*
- ii. Issuance of Permanent registration/ acknowledgement of Date of Commercial Production/ Operation*
- iii. Assessment/ reassessment of raw materials and finished goods.*
- iv. Change in location of the Unit within the District.*
- v. Change in Name and Style of Unit of the Unit which are registered provisionally.*
- vi. Grant of permission for repair/ export of machinery out of the UT where incentives have been received by the unit holder in case of Small and Medium scale units.*

10.2 *In case of units having investment in plant and machinery/ building and all other durable physical assets more than Rs 5 Cr. the Director shall exercise the powers of assessment/ reassessment of raw materials and finished goods.*

However, Clause 5.5 of J&K Industrial Policy, 2021-30, provides the powers of Provisional / Permanent Registration to General Manager DIC concerned irrespective of the quantum of investment. The relevant clause is reproduced below:

Clause- 5.5 Registration of Units

5.5.1. New units intending to avail incentives under this policy will have to get provisional registration from GM DIC (Concerned).

5.5.2. The Date of Production/ Date of Operation has to be authenticated by the GM of concerned DIC in Permanent Registration.

In case of a conflict between the Principle Policy and Procedural Guidelines, the thumb rule is that the Policy prevails over the Guidelines.

Accordingly, under Clause 12 of the Procedural Guidelines to the J&K Industrial Policy 2021-30 and in conformity with the Principle Policy, it is clarified, as under:

“The ‘Miscellaneous Functions and Powers’ provided under Clause-10 of Procedural Guidelines to the J&K Industrial Policy 2021-30 shall ‘EXTENDED’ to all units, irrespective of the quantum of investment. However, Powers of Assessment/ Reassessment above investment of Rs 5 Cr shall be dealt as per sub-clause 10.2.”

Sd/-

(Ranjan Prakash Thakur)

Principal Secretary to the Government

Dated: 29.09.2021

No. IC-DIC/17/2021-07

Copy to the :-

1. All Financial Commissioners.
2. Director General of Police, J&K.
3. Principal Secretary to the Lieutenant Governor.
4. All Principal Secretaries to Government.
5. Principal Resident Commissioner, J&K Government, New Delhi.
6. Chief Electoral Officer, J&K.
7. All Commissioner/ Secretaries to the Government.
8. Joint Secretary (J&K), Ministry of Home Affairs, Government of India.
9. Divisional Commissioner, Jammu/Kashmir.
10. Director General, J&K IMPA and Rural Development, Jammu.
11. Chairman, J&K Special Tribunal.
12. All HoD's of Industries and Commerce Department.
13. All Deputy Commissioners.
14. Director, Information.
15. Director, Archives, Archaeology and Museums.
16. OSD to Hon'ble Advisor(BK)
17. General Manager, Government Press, Jammu/Srinagar.
18. Private Secretary to the Hon'ble Lieutenant Governor.
19. Private Secretary to Principal Secretary to the Government, I&C.
20. In-charge website, I&C Department.

(Sartaj Hussain Madni)

Deputy Secretary to the Government